

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
June 30, 2025
LAURA A. AUSTIN, CLERK
BY: s/A. Beeson
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

MARVIN MAURICE MOORE,)	
Plaintiff,)	Civil Action No. 7:24cv750
)	
v.)	OPINION and ORDER
)	
RIVER NORTH C. C., et al.,)	By: Robert S. Ballou
Defendants.)	United States District Judge

Marvin Maurice Moore, a Virginia inmate proceeding *pro se*, has filed a civil rights action pursuant to 42 U.S.C. § 1983, alleging harassment, corporal punishment, and unnecessary force at River North Correctional Center (RNCC). He names RNCC and the Virginia Department of Corrections (VDOC) as defendants. Moore has failed to state a claim for which relief may be granted because neither defendant is a proper party under § 1983.

Section 1983 provides a cause of action against a “person” who, acting under color of state law, violates the constitutional rights of another. 42 U.S.C. § 1983; *Loftus v. Bobzien*, 848 F.3d 278, 284–85 (4th Cir. 2017). Liability under § 1983 is “personal, based upon each defendant’s own constitutional violations.” *Trulock v. Freeh*, 275 F.3d 391,402 (4th Cir. 2001). RNCC is not a person within the meaning of § 1983, and neither is VDOC. State agencies and their instrumentalities are immune from suit under the sovereign immunity provided by the Eleventh Amendment. *Holloman v. Virginia Dep’t of Corr.*, No. 7:22-cv-00478, 2022 WL 17477924, at *1 (W.D. Va. Dec. 5, 2022). Congress may abrogate a state’s Eleventh Amendment immunity by express statutory language, but § 1983 has not done so. *In re Secretary of Dep’t of Crime Control and Pub. Safety*, 7 F.3d 1140, 1149 (4th Cir. 1993).

Therefore, Moore’s suit is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this opinion and order to the plaintiff.

Enter: June 29, 2025

/s/ Robert S. Ballou

Robert S. Ballou
United States District Judge